

ORIGINAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GAIL GALLOWAY,
Plaintiff

v.

**PENNSYLVANIA BOARD OF
PROBATION AND PAROLE, et al.,**
Defendants

CIVIL NO. 1:CV-00-0649

(Judge Rambo)

MOTION TO COMPEL

FILED
HARRISBURG, PA

MAY 26 2005

MARY E. D'ANDREA, CLERK
Per **[Signature]**
Deputy Clerk

Gail Galloway, ("Plaintiff") in the above captioned action requests this Court to Compel Defendant Charles Giornesto ("Giornesto") to comply with Plaintiff's repeated request for answers to Interrogatory questions which Giornesto has repeatedly refused to answer.

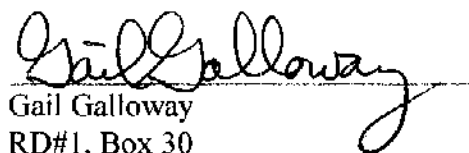
The Interrogatories in question required Giornesto to supply the name and address of a key witness Plaintiff had wanted to depose and call as a witness at trial. This is the person that Giornesto filed a report to his former employer, the Pennsylvania Board of Probation and Parole, ("PBPP"), stating that this person had reported to him and claimed that Plaintiff's son had inquired about buying a .50 caliber gun for Plaintiff for his birthday. Since it is Plaintiff's belief that no such person ever existed and Giornesto falsified his report, it is critical to Plaintiff's case. Giornesto has given many excuses for not answering this crucial Interrogatory question including a fear that Plaintiff would retaliate against the witness if the person were identified. According to the Federal Rules of Civil Procedure this information should have been turned over to the Plaintiff long ago and all reasonable attempts to get Giornesto to answer the Interrogatory have been in

vein. The second legitimate Interrogatory Giornesto refused to answer is the reason for his termination by the PBPP. This question is critical because it has to do with the time frame of his termination relevant to Plaintiff. Plaintiff's son ("David") had filed a Federal Lawsuit for the return of his illegally seized property and his property was returned to him. Giornesto was fired within a few weeks of David's lawsuit being filed and the claim that Giornesto falsified reports to the PBPP to have Plaintiff incarcerated for a parole violation.

These two Interrogatory questions are within the scope of discovery as defined in the Federal Rules of Civil Procedure and should have been answered long ago instead of repeatedly giving standard boilerplate excuses for not answering them.

Therefore, Plaintiff requests this Court to Compel Defendant Giornesto to answer the two Interrogatory questions he has repeatedly refused to answer and that are relevant to the case at hand and discoverable under the Federal Rules of Civil Procedure.

Respectfully submitted,

A handwritten signature in cursive script, reading "Gail Galloway", written over a horizontal line.

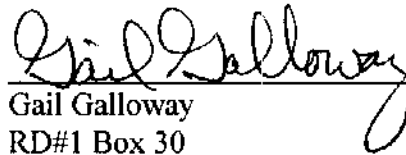
Gail Galloway
RD#1, Box 30
Petersburg, PA 16669
(814) 669-9164

May 23, 2005

CERTIFICATE OF SERVICE

I certify that I have this day served a true and correct copy of the foregoing document upon the person named below by First Class United States Mail, prepaid, at the address stated.

Francis Filipi
Office of Attorney general
15th Floor, Strawberry Square
Harrisburg, PA 17120
Counsel for Defendants

A handwritten signature in black ink, appearing to read "Gail Galloway", is written over a horizontal line.

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May 24, 2005

Gail Galloway
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